

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THE PHILADELPHIA REGIONAL PORT AUTHORITY	:	CIVIL ACTION
	:	
	:	
v.	:	NO. 24-1008
	:	
UNITED STATES ARMY CORPS OF ENGINEERS, <i>et al.</i>	:	
	:	

ORDER

AND NOW, this 21st day of November 2024, upon considering non-parties Enstructure DCT LLC and Diamond State Port Corporation's post-judgment Motion to intervene (ECF 44), Defendants' Opposition (ECF 48), Plaintiffs' Opposition (ECF 49) also seeking to strike the non-parties' contemporaneously filed Answer (ECF 45), and for reasons in today's accompanying Memorandum, it is **ORDERED** we **DENY**:

1. Non-parties Enstructure DCT LLC and Diamond State Port Corporation's Motion to intervene (ECF 44); and,
2. Plaintiff's request (non-compliant with Rule 7(b)(1)) to strike the non-parties' Answer (ECF 45) guided by the Supreme Court's requirement in Rule 24(c) the non-parties' Motion must be "accompanied" by the pleading, noting the Answer does not inform the dispositive untimeliness obstacle or create prejudice in a separate filing, we are mindful the 2007 Amendments to Rule 24 do not alter the substance of the earlier requirement of "attaching" the pleading but we are also mindful of Rule 1's mandate to construe Rule 24 for a just result after finding no prejudice arising from contemporaneously filing the Answer (ECF 45) separate from the Motion (44).



KEARNEY, J.